THE CASE OF

John Hall and *John Keene*, Eſquires, Executors of *Thomas Thynne* late of *Longleat* in the County of *Wilts*, Eſquire, APPELLANTS;

AGAINST

Jane Potter of *Bloomsbury* in the County of *Middleſex*, Widow, and Adminiſtratrix of Mr. *George Potter* her late Husband, RESPONDENT.

Lord *Ogle* died *November* 1680.

Bond given 17. *December* 1680.

THE *Reſpondent*, ſoon after the Death of the late Lord *Ogle*, inſinuating to Mr. *Thynne* that ſhe could be ſerviceable in promoting and procuring a Marriage between Him and the Lady *Ogle*; prevailed with Mr. *Thynne* to enter into a Bond of 1000 *l.* Penalty to *George Potter* her Husband, to pay 500 *l.* within ten days after ſuch Marriage ſhould take Effect. The being aſſiſtant in procuring and promoting of which Marriage, was the only Conſideration of the ſaid Bond; as the *Reſpondent* and her Husband have ſworn in their Anſwer in *Chancery*.

In *February* 1681. Mr. *Thynne* was barbarouſly murdered, and about ſix Years after Mr. *Potter* brought an Action againſt the *Appellants*, as Executors of Mr. *Thynne*, upon this Bond; and making out the Marriage, recovered a Verdict for the 1000 *l.* Thereupon the *Appellants* brought their Bill in *Chancery*, to be relieved according to Precedents in the like Caſe.

Upon the Hearing this Cauſe at the *Rolls*, and upon the Reading of Precedents where the Court had relieved in the like Caſes; the Court Decreed the Bond to be delivered up, and Satisfaction on Record to be acknowledged of the Judgment.

The *Reſpondent* Petitioned the Lord Keeper for a Re-hearing; and the Cauſe being re-heard accordingly, his Lordſhip was pleaſed to reverſe the former Decree, and ordered the *Appellants* to pay Principal, Intereſt and Coſts, or elſe the Bill to ſtand diſmiſſed with Coſts.

From this Order the *Appellants* have Appealed; and

'Tis humbly hoped the *Appellants* ſhall have Relief in this Caſe.

1. Becauſe ſuch Bonds to Matchmakers and Procurers of Marriages are of dangerous Conſequence, and tend to the Betraying, and oftentimes Ruin, of Perſons of Quality and Fortune: And if the Uſe of ſuch Securities be allowed and countenanced, the ſame may prove the Occaſion of many unhappy Marriages, to the Prejudice and Diſcomfort of the beſt of Families.

2. In many Inſtances, Bonds and Contracts that are good at Law and cannot be avoided there, are ſet aſide in Equity.

3. The Conſideration of ſuch Bonds and Securities have always been diſcountenanced, and Relief in Equity given againſt them ſo long ſince as the Lord Keeper *Coventry*'s Time, and long before.

4. The *Appellants* had a Decree to be Relieved againſt the Bond in queſtion, upon Conſideration of the Precedents in the Time of the Lord Keeper *Coventry* and others; and of the Miſchiefs and Inconveniences likely to ariſe by ſuch Practices; which increaſe in this preſent Age more than in thoſe times when Relief was had againſt ſuch Bonds.

The CASE
OF
John Hall and *John Keene*,
Esquires, Appellants;
Against
Jane Potter, Respondent.

To be heard at the Bar of the House of Peers, on *Saturday* the 11th. of *January*, 1695.